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TAGS: [PREL](#) [KAWK](#) [KISL](#) [KPAO](#) [MOPS](#) [PGOV](#) [PHUM](#) [PTER](#) [FR](#)
SUBJECT: FRANCE SEEKING COORDINATED EU POSITION AS
PREREQUISITE TO ACCEPTANCE OF GUANTANAMO DETAINEES ON A
"CASE BY CASE" BASIS

REF: A. SECSTATE 6516
[1](#)B. BRUSSELS 79

Classified By: Political Counselor Andrew R. Young for reasons 1.4 (B & D).

[1](#)1. (C/NF) Summary: In response to President Obama's January 22 Executive Order to close detention facilities at Guantanamo Bay Naval Base (ref a), the French have publicly given their support to at least review the idea of accepting detainees deemed not to be a security risk. Foreign Minister Bernard Kouchner said on January 20 and again on January 26 that France "would consider positively" requests from Washington to accept detainees from Guantanamo who wish to come to France, on a "case-by-case basis, with a specific and careful assessment of legal implications and security risks." Philippe Errera, Advisor to Foreign Minister Kouchner, and French Foreign Ministry DAS-equivalent for security issues Martin Juillard said France prefers to have a coordinated EU position before moving forward on the issue. Errera said the goal is to bring the discussion to a political level, perhaps headed by EU Counterterrorism Coordinator Gilles de Kerchove, in an effort to give broad political and legal cover to those states wishing to accept detainees. Juillard said it is unlikely the EU will provide a plan or a framework for accepting detainees unless the USG makes an official request to the EU presidency, now led by the Czech Republic. While the French are eager to improve relations with the U.S. on counter-terrorism, Juillard said the GOF wants two conditions met: first, the U.S. must agree to resettle some of these same low-risk detainees in the U.S., and; second, any detainee being considered for resettlement in France must express an explicit desire to be resettled in France. Juillard noted a final decision on the matter would ultimately rest with President Sarkozy. End Summary.

[1](#)2. (SBU) Pol MC met with Philippe Errera, Strategic Affairs Advisor to FM Kouchner, on January 26. Poloffs met with French MFA DAS-equivalent for security issues Martin Juillard on January 27. MFA security directorate officers Jean-Mathieu Bonnel and Caroline Monvoisin, as well as North America desk officer Bruno Asseray joined Juillard.

Common EU Position Sought That Would Permit Decisions by
Individual Member States

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[1](#)3. (C/NF) In response to President Obama's January 22 Executive Order to close detention facilities at Guantanamo Bay Naval Base (ref a), the French have publicly given their

support to at least review the idea of accepting detainees deemed not to be a security risk. Foreign Minister Bernard Kouchner said on January 20 and again on January 26 that France "would consider positively" requests from Washington to accept detainees from Guantanamo who wish to come to France, on a "case-by-case basis, with a specific and careful assessment of legal implications and security risks." Philippe Errera, Advisor to Foreign Minister Kouchner, and Foreign Affairs DAS-equivalent for security issues Martin Juillard said France is working to obtain a common EU position on Guantanamo, although decisions about accepting detainees would remain with the individual member states. Errera said the goal is to bring the discussion to a political level, perhaps headed by EU Counterterrorism Coordinator Gilles de Kerchove, in an effort to give broad political and legal cover to those states wishing to accept detainees. Errera noted that this was also necessary on a practical level because members of the Schengen group of countries must coordinate any such decision inasmuch as any individual within their borders would be able to travel freely to all of the other participating states. Errera said that FM Kouchner was "more forward-leaning" on this issue, but that they had been surprised by the harsh public reaction across Europe to the idea of accepting "terrorists" on their soil. Paris believes that a common EU position would provide a broad framework for individual country action, just as it did in an earlier case involving the relocation of Palestinian fighters who had taken over the Church of the Nativity in Bethlehem.

14. (C/NF) Furthering Errera's point from January 26, Juillard noted that while the French believe it is necessary

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to have a common EU clearing house to accept detainees, they do not want to create a large bureaucracy that will prevent flexibility in the process. Poloffs emphasized that flexibility was a key factor and hoped France and the EU would not support a process that would prevent interested countries from taking detainees. Juillard said it is unlikely that France would make a final determination on their ability to accept detainees without some type of process in place at the EU level. He also noted it is unlikely the EU would provide a plan or a framework for accepting detainees unless the USG makes an official request to the EU presidency, now led by the Czech Republic.

EU Acceptance Conditional

15. (C/NF) While the French are open to the idea of accepting those detainees who, according to U.S. authorities, do not pose a security risk, the French believe it is necessary for two requirements to be met: first, the U.S. must agree to resettle some of these same low-risk detainees in the U.S., and; second, any detainee being considered for resettlement in France must express an explicit desire to be resettled in France. Juillard noted that a final decision on the matter rests at the presidential level with the advice of the Ministers of Foreign affairs and the interior.

No EU States Opposed, But Still No Consensus

16. (C/NF) Juillard said there were no indications that EU members were blocking the idea of taking former detainees. However, some countries have stated flatly they would not be taking any Guantanamo detainees.

Desire to Improve Franco-American Relations

17. (C/NF) Juillard noted on three separate occasions that

part of France's calculation on the detainee issue is how they can support the Obama Administration in a hope of improving Franco-American relations. He continued that the Franco-American counter-terrorism relationship was so far good, but there was vast room for improvement and he hoped we would work more closely in the coming months. Juillard was quick to point out that at the end of their EU presidency in December of last year, the French put forth the idea that the EU should be considering the detainee issue which finally took place on January 26.

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